

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 263 OF 2024

Gufic Biosciences

...Petitioner

Vs.

Chandramani Matamani Tiwari

...Respondent

Ms. Sonali Pawar i/by Datta H. Pawar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH SEPTEMBER, 2024

P.C.:-

1. This is a Petition filed under Section 27 of the Arbitration and Conciliation Act, 1996 and seeks the issuance of a third party summons.

2. Ms. Pawar, Learned Counsel appearing on behalf of the Petitioner has invited my attention to the order of the Arbitral Tribunal which is dated 3rd March, 2024, in which, the Tribunal has inter alia noted as follows:-

“22. As discussed above, the order dated 30th March 2022 and other similar orders will have a substantial bearing in determining the crux of the dispute between the parties. The Claimant has filed the present Application on account of the failure of the Respondent in producing the relevant order during the course of his cross-examination. The said Application deserves to be allowed for the reasons aforesaid.”

3. It is in these circumstances and since the Arbitral Tribunal cannot issue the witness summons that the present application has been made. The Petition is served upon the Respondent. The Petitioner has filed an Affidavit of Service. I am satisfied that the Respondent has been served. In any view of the matter, given the very limited relief of Section 27 of the Arbitration and Conciliation Act, 1996, I find that the Petition deserves to be allowed and is allowed in terms of prayer clause (b) and (c) which read thus:-

“b) Sumnmmons concerned Sales Tax Officer as described in foregoing Paragraph 12 of the Petition, to be present before the Ld. Sole Arbitrator as third-party witness;

c) Direct the Sales Tax Officer to produce Revision Order dated 30th March 2022 passed under Section 25 of Maharashtra Value Added Tax Act, 2002 in case of M/s. Armaani Enterprises having office at Flat No.2, Geetanjali Manchhubhai Road, Malad (East), Mumbai 400 097 having TIN-27760737409V for the period 1st April 2012 to 31st March 2013 under the said Act along with similar revision orders passed for subsequent years;”

4. Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)